

**PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**PART 93**

**HEARING, VISION, AND DENTAL**

**333.9301 Free hearing and vision testing and screening programs; publicity.**

Sec. 9301. A local health department shall conduct periodic hearing and vision testing and screening programs without charge for children residing in its jurisdiction. The local health department shall publicize the free testing and screening service and the time and place of the clinics.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Compiler's note:** For transfer of certain powers and duties of the bureau of child and family services, with the exception of the women, infants, and children division, from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

**Popular name:** Act 368

**333.9302 Duty of parent, guardian, or person in loco parentis; time and frequency of testing and screening.**

Sec. 9302. A parent, guardian, or person in loco parentis of a child shall provide for the child's hearing and vision testing and screening by an agency designated by the local health department. The testing and screening shall be given during an age period and at a frequency specified by the department.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.9303 Program to assist local health departments; establishment and administration.**

Sec. 9303. (1) The department shall establish and administer a program to assist local health departments in developing and maintaining periodic hearing and vision testing and screening programs for children.

(2) The department may establish and administer a program to assist local health departments in developing and maintaining periodic hearing and vision testing and screening programs for adults.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.9305 Follow-up treatment; statement; information.**

Sec. 9305. (1) When the result of a hearing or vision testing or screening indicates that a child requires follow-up care, a professional authorized by law, a local health department, or other agency shall present the person bringing the child a written statement clearly indicating that follow-up treatment is required.

(2) The local health department, upon request, shall provide information concerning the availability and sources of vision and hearing treatment required to eliminate or reduce an identified problem.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.9307 Registration of child for kindergarten or first grade; certificate of hearing and vision testing or screening or statement of exemption required; summary of hearing or vision reports; forms.**

Sec. 9307. (1) A parent, guardian, or person in loco parentis applying to have a child registered for the first time in kindergarten or first grade in a school in this state shall present to school officials, at the time of registration or not later than the first day of school, a certificate of hearing and vision testing or screening or statement of exemption under section 9311.

(2) Before November 1 of each year, the principal or administrator of each school shall give the state and local health departments a summary of the hearing and vision reports at the time of school entry of new entering kindergarten and first grade students. The reports must be made on forms provided or approved by the department.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2020, Act 261, Eff. Mar. 29, 2021.

**Popular name:** Act 368

**333.9309 Individual testing and screening to determine hearing efficiency.**

Sec. 9309. If it appears as the result of a testing and screening program that the hearing of a child may be impaired, the department shall conduct or cause to be administered individual testing and screening with approved scientific instruments for determining the hearing efficiency of the child.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.9311 Exemption.**

Sec. 9311. A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school stating that the requirement violates the personal religious beliefs of the parent, guardian, or person in loco parentis.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.9312 Records of hearing or vision testing and screening and dental oral assessments; preservation and availability; confidentiality.**

Sec. 9312. Records of hearing or vision testing and screening administered and conducted under this part and of dental oral assessments administered and conducted under this part must be made and preserved as provided by the department. The records must be available to health agencies and other persons to assist in obtaining proper and necessary health, dental, and educational care, attention, and treatment as permitted by the department. Individual records are confidential as required by section 2637.

**History:** Add. 2020, Act 261, Eff. Mar. 29, 2021.

**Popular name:** Act 368

### **333.9315 Advisory committee; appointment of members; duties; cooperation of department.**

Sec. 9315. (1) The director may appoint an advisory committee consisting of health professionals in hearing and vision, physicians and optometrists, and individuals representing schools. The advisory committee shall assist the department with hearing and vision programs and shall conform to the requirements of section 2215.

(2) The department shall cooperate with any agency of the state charged with the administration of laws providing for children with disabilities, and with a local health department or other community group in encouraging remedial measures and correctional devices available for children with hearing or vision impairment.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1998, Act 88, Imd. Eff. May 13, 1998.

**Compiler's note:** For transfer of hearing and vision programs advisory committee by type III transfer, see E.R.O. No. 2009-8, compiled at MCL 333.26362.

**Popular name:** Act 368

### **333.9316 Dental oral assessment program; contractual agreements for assessments; information required; registration of child for kindergarten or first grade; statement required; summary of dental reports; subject to appropriation.**

Sec. 9316. (1) By the 2021-2022 school year, the department shall establish and maintain a dental oral assessment program to provide dental oral assessments to children residing in this state whose parents, guardians, or persons in loco parentis do not have dental oral assessments conducted as described in subsection (5)(a) but otherwise decide to have dental oral assessments conducted on their children under this section.

(2) Subject to subsection (3), the department shall accomplish the program by contracting with a government entity or person, which may include a grantee health agency described in section 16625. The following apply to the government entity or person selected by the department under this subsection:

(a) The government entity or person shall conduct the program in each area served by a local health department and shall publicize the dental oral assessment service and the time and place of the clinics.

(b) A dental oral assessment administered under the program must include a limited clinical inspection, performed by a dentist or a dental hygienist, to identify possible signs of oral or systemic disease, malformation, or injury, and the potential need for referral for diagnosis and treatment.

(3) If a school district has entered into a contract with a government entity or person to administer dental oral assessments to the school district's students, the school district may continue to use the government entity or person to conduct the dental oral assessments if the school district ensures that the dental oral assessments are conducted by May 31 of each year and the requirements of subsections (4) and (7) are met and provides all of the following information to the department:

(a) The name of the government entity or person that conducts the dental oral assessments.

(b) Each date the government entity or person is scheduled to provide the dental oral assessments.

(c) The total number of dental oral assessments that are scheduled.

(4) When the result of a dental oral assessment indicates that a child requires follow-up care, the dentist or dental hygienist or government entity or person conducting the assessment shall present to the individual bringing the child a written statement clearly indicating that follow-up treatment is encouraged and, upon request, provide information concerning the availability and sources of dental treatment required to eliminate or reduce an identified problem.

(5) Beginning in the 2021-2022 school year, a parent, guardian, or person in loco parentis applying to have a child registered for the first time in kindergarten or first grade in a school in this state may do the following:

(a) Have a dentist or dental hygienist conduct a dental oral assessment on the child not earlier than 6 months before the date of the child's registration with the school and obtain from the dentist or dental hygienist a written statement certifying that the child has received the dental oral assessment within the time frame required under this subdivision. The written statement must be on a form prescribed by the department.

(b) If the parent, guardian, or person in loco parentis of the child does not have a dental oral assessment conducted as described in subdivision (a), have a dental oral assessment conducted on the child by the government entity or person selected by the department under subsection (2).

(6) Beginning in the 2021-2022 school year, a parent, guardian, or person in loco parentis applying to have a child registered for the first time in kindergarten or first grade in a school in this state who chooses to have a dental oral assessment conducted on the child as described in subsection (5) may present to school officials, at the time of registration or not later than the first day of school, the statement described in subsection (5) or a written statement indicating that the parent, guardian, or person in loco parentis of the child will provide for the child's dental oral assessment by a government entity or person selected by the department under subsection (2). A child shall not be excluded from school attendance if the parent, guardian, or person in loco parentis of the child does not present a statement to school officials under this section.

(7) Before November 1 of each year, beginning in the 2021-2022 school year, the principal or administrator of each school shall give the department a summary of any dental reports that it receives at the time of school entry of new kindergarten and first grade students. The reports must be made on forms provided or approved by the department.

(8) This section does not apply in a fiscal year in which the legislature does not appropriate money for the program.

(9) As used in this section, "program" means the dental oral assessment program described in subsection (1).

(10) This section does not apply beginning January 1, 2024.

**History:** Add. 2020, Act 261, Eff. Mar. 29, 2021.

**Popular name:** Act 368

### **333.9321 Rules.**

Sec. 9321. The department may promulgate rules to implement this part, including, but not limited to, the age and frequency for hearing and vision testing and screening under section 9302 and the maintenance and disclosure of records under section 9312.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2020, Act 261, Eff. Mar. 29, 2021.

**Popular name:** Act 368

**Administrative rules:** R 325.3271 et seq. and R 325.13091 et seq. of the Michigan Administrative Code.

### **333.9329 Violation as misdemeanor.**

Sec. 9329. A person who violates this part or a rule promulgated under this part is guilty of a misdemeanor.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368